



**PRESENT:**

Dr. Edgar V. Wallin, Chairman  
Mr. J. Dale Patton, Vice-Chairman  
Dr. William P. Brown  
Mr. Russell J. Gulley  
Mr. Reuben J. Waller, Jr.  
Mr. Kirkland A. Turner, Secretary to the Commission,  
Planning Director

**ALSO PRESENT:**

Mr. Glenn Larson, Assistant Director,  
Plans and Information Section, Planning Department  
Mr. Michael E. Tompkins, Assistant Director,  
Development Review Section, Planning Department  
Mr. Steven F. Haasch, Planning Manager,  
Plans and Information Section, Planning Department  
Ms. Bonnie L. Perdue, Clerk to the Commission,  
Plans and Information Section, Planning Department  
Ms. Erica Hess, Administrative Assistant,  
Plans and Information Section, Planning Department  
Mr. Rob Robinson, Senior Assistant County Attorney,  
County Attorney's Office  
Ms. Tara McGee, Assistant County Attorney,  
County Attorney's Office  
Ms. Jane Peterson, Planning and Special Projects Manager,  
Development Review Section, Planning Department  
Mr. Robert Clay, Planning and Special Projects Manager,  
Development Review Section, Planning Department  
Ms. Darla Orr, Planning and Special Projects Manager,  
Development Review Section, Planning Department  
Mr. Ray Cash, Senior Planner,  
Development Review Section, Planning Department  
Mr. Ryan Ramsey, Senior Planner,  
Development Review Section, Planning Department  
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,  
Development Review Section, Planning Department  
Mr. Jesse Smith, Director,  
Transportation Department  
Mr. Scott Smedley, Director  
Environmental Engineering Department

Mr. Rob Key, Director,  
General Services Department  
Mr. Charlie Dane, Deputy Director,  
General Services Department  
Mr. Jeff Howard, Environment Manager,  
General Services Department  
Mr. Randy Phelps, Principal Engineer,  
Utilities Department  
Mr. Dave Wolverton, Microcomputer Analyst  
Information Systems Technology Department  
Firefighter Greg Smith, Fire and Life Safety,  
Fire and EMS Department  
Mr. Rick Witt, Director of Building Inspection,  
Building Inspection Department  
Ms. Meghan Coates, Budget Analyst,  
Budget and Management Department  
Dr. Cynthia Richardson, Planning Administrator,  
Chesterfield County Public Schools  
Mr. Ted Barclay, Code Compliance Supervisor  
Zoning Code Compliance, Planning Department

### **ASSEMBLY AND WORK SESSION.**

Messrs. Wallin, Patton, Brown, Gulley and Waller and staff assembled at 3:00 p.m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Iron Bridge Road Chesterfield, VA, for a work session.

#### **I. CALL TO ORDER.**

#### **II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.**

Mr. Turner advised new presentations were added and the binder was updated. The order of presentations is as follows:

- I. Call to Order.
- II. Requests to Postpone Action, Emergency Additions, and Changes in the Order of Presentation.
- III. Review Upcoming Agendas. (Any rezonings or conditional uses scheduled for future meetings.)
- IV. Review Day's Agenda. (Any items listed for the 6:00 p.m. Sessions.)
- V. Work Program – Review and Update.
- VI. Planning Commission Follow-Up Items List.
- VII. Comprehensive Plan Implementation Update.
- VIII. (14PJ0143) Joint Planning / County Staff presentation: Property Maintenance.
- IX. Recess.

### **III. REVIEW UPCOMING AGENDAS.**

Ms. Jane Peterson apprised the Commission of the caseload agendas for May, June, July and August 2014.

Mr. Turner advised the Commission that the upgrades planned for the Public Meeting Room in July 2014 present a conflict with the regularly scheduled July meeting and requested the Commission adopt a July 22 meeting date.

On motion of Dr. Brown, seconded by Mr. Patton, the Commission adopted July 22, 2014 for the July Planning Commission meeting.

AYES: Messrs: Wallin, Patton, Brown, Gulley and Waller.

### **IV. REVIEW DAY'S AGENDA.**

Ms. Jane Peterson advised the Commission of the cases for today's agenda.

### **V. WORK PROGRAM - REVIEW AND UPDATE.**

There were no questions from the Commission relative to the work program.

### **VI. PLANNING COMMISSION FOLLOW-UP ITEMS LIST.**

Mr. Charlie Dane apprised the Commission that the Skinquarter Landfill was added to the existing solid waste plan in August or September 2006.

Mr. Turner advised the Commission that as part of the Board's budget adoption, he expects the Board will be referring Planning fees for the Commission to consider. A work session will be scheduled for the May meeting of the Commission with the expectation that a new fee schedule will be advertised for a public hearing in June 2014.

Mr. Turner responded to a question from Mr. Gulley relative to a new fee structure advising that staff has responded to Budget Management with a draft for the proposed fee schedule.

Dr. Brown stated the Commission should advise the Board if the fees are appropriate to charge to developers. Then the Board can decide using the Commission's recommendation and other facts like the budget, what the final fee structure will be.

Mr. Gulley advised he would like to be certain of the Board's direction and recommendation regarding the new fee structure before he makes a decision.

Ms. Peterson apprised the Commission on updates to the staff report explaining the new format will contain more graphics, charts and maps to convey the details of the request analysis. She welcomes any suggestions on content or formatting from the Commission before the end of May so it can be captured in the report draft template. The new product will be easier to use and understand for applicants, the general public and the Commission.

Mr. Gulley requested the Commission be sent what input and changes Ms. Peterson has in her comprehensive bucket list to date to eliminate any duplicated efforts.

## **VII. COMPREHENSIVE PLAN IMPLEMENTATION UPDATE.**

Dr. David Pritchard presented an overview to the Commission regarding the status of Phase 1 and Phase 2 implementation steps.

The Commission collectively inquired about the status of the Revitalization Strategy project as it relates to the 2015 budget. In response to questions from the Commission, Dr. Pritchard responded Revitalization is not in the 2015 budget.

In response to a question from Mr. Patton relative to the Revitalization budget, Dr. Pritchard responded that staff's direction was to finalize the strategy based upon comments from the public, Board and Planning Commission. Mr. Patton then stated it was his desire to bring the draft strategy forward to the Commission for review.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission resolved to put Revitalization on the Planning Commission work program with staff to identify the appropriate work session for either June or July 2014.

AYES: Messrs: Wallin, Patton, Brown, Gulley and Waller.

## **VIII. (14PJ0143) JOINT PLANNING / COUNTY STAFF PRESENTATION: PROPERTY MAINTENANCE.**

Mr. Rick Witt, Director of Building Inspection, presented an overview of his department's property maintenance program to the Commission.

In response to a question from Mr. Gulley relative to inspectors going inside a home to investigate a complaint, Mr. Witt responded the inspectors do not enter a home and only view the home from the outside.

Mr. Ted Barclay, Code Compliance Supervisor, presented an overview to the Commission relative to Code Compliance's role in property maintenance.

### **Other Discussion**

Mr. Waller addressed the Commission on the scheduling of cases and any policies that are in place to address this ongoing issue. He gave an example of a case where there is a pre-application meeting but the case did not move ahead.

Mr. Turner explained there are situations where cases are filed but after they are filed, there are issues that are brought forward that impact the appropriateness of the case and require additional attention.

In response to a question from Mr. Gulley relative to the legal authority the Commission has, Mr. Rob Robinson advised it is the responsibility of the applicant and the Planning Director whether or not to advertise or defer a case. Once the case gets to the Planning Commission stage, it is up to the Commission to defer it or move it on.

Dr. Brown advised with new cases, he is comfortable with the Planning Director using his knowledge and discretion to determine if a particular applicant should be allowed to hold or

advertise their case. For cases that are remanded back from the Board, he is less willing to delay those cases.

Mr. Patton stated he feels the Commission needs to be as accommodating as possible but also should structure the fees to impact those applicants that request deferrals on a habitual basis.

Dr. Wallin indicated that the Commission needs staff's assistance in analyzing a balanced approach for moving cases that does not penalize applicants who are actively working filed cases and where delays in consideration are in the best interest of all parties.

## **IX. RECESS.**

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 5:08 p.m., agreeing to meet in the Executive Meeting Room for dinner and to reconvene in the Public Meeting Room at 6:00 p.m. for the public hearing.

## **5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.**

During dinner, there was general discussion on topics related to the Planning Commission.

## **6:00 P.M. PUBLIC HEARING.**

### **I. INVOCATION.**

Mr. Patton presented the invocation.


### **II. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.**

Mr. Caleb Martin, Miss Sydney Keene, Miss Keely Thomas and Mr. Tyreak Reid, fifth grade students from Salem Church Elementary School, led the Pledge of Allegiance to the Flag.

### **III. REVIEW UPCOMING AGENDAS.**


Mr. Turner apprised the Commission of the caseload agendas for May, June, July and August 2014.

### **IV. APPROVAL OF PLANNING COMMISSION MINUTES.**

- February 18, 2014 Minutes. 

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to approve the February 18, 2014 Planning Commission minutes.


AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- February 20, 2014 Minutes. 

Dr. Brown noted that on page nine (9), the text should be corrected to read, the sample was self-selected.

On motion of Dr. Brown, seconded by Mr. Patton, the Commission resolved to approve the February 20, 2014 Planning Commission minutes as amended.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- March 18, 2014 Minutes. 

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to approve the March 18, 2014 Planning Commission minutes.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

**V. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

**VI. REVIEW MEETING PROCEDURES.**

Mr. Kirk Turner reviewed the meeting procedures.

**VII. CITIZEN COMMENT ON UNSCHEDULED MATTERS.**

There were no citizens' comments on unscheduled matters.

**VIII. PUBLIC HEARING.**

- **DEFERRAL REQUEST BY APPLICANT – REZONING.**

- A. 14SN0508\*\*\*:** (AMENDED) In Bermuda Magisterial District, **Centralia Station LLC** requests amendment of zoning (Case 93SN0147) relative to density and access and amendment of zoning district map in Agricultural (A) and Residential (R-7, R-9 and R-12) Districts on 73.3 acres fronting 20 feet on the south line of Centralia Road, 510 feet on the east line of Centralia Station, 600 feet west of Chester Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential use (1 and 1.5 dwelling per acre or less). Tax ID 786-660-5178.

Mr. Patton declared a conflict of interest due to owning an adjacent parcel and at 6:08 p.m. left the discussion.

Ms. Kristen Keatley, the applicant's representative, requested a deferral to June 17, 2014.

Dr. Wallin opened the floor for public comments.

Ms. Diana Parker voiced she did not support the case because it is confusing about what is being brought forward regarding the wetlands.

Ms. Kristen Keatley advised any issues will be addressed at the site plan review.

There being no one else to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Wallin, seconded by Mr. Gulley, the Commission on their own motion and with the applicants consent, resolved to defer Case 14SN0508 to the August 19, 2014 Planning Commission public hearing.

AYES: Messrs: Wallin, Brown, Gulley and Waller.

ABSENT: Mr. Patton.

Mr. Patton returned to the meeting at 6:14 p.m.

- **DEFERRAL REQUEST BY INDIVIDUAL PLANNING COMMISSIONER – REZONING.**

- C. **14SN0559\***: (AMENDED) In Bermuda Magisterial District, **Carrie E. Coyner, Trustee** requests conditional use to permit mining and quarrying operations plus conditional use planned development for an exception to bonding requirements and amendment of zoning district map in a General Industrial (I-2) District on 333.7 acres located in the northeast corner of Ashton Park Drive and Ruffin Mill Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax ID 813-639-Part of 2566.

Ms. Kristen Keatley, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

Ms. Diana Parker voiced she does not agree with Environmental Engineering supporting this case and feels the mining will have negative impacts on our historic resources.

There being no one else to speak, Dr. Wallin closed the public hearing.

Mr. Patton advised he has had discussions with the community, neighborhood businesses and the applicant and there are questions that need to be answered and issues addressed.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission resolved to defer Case 14SN0559 to the June 17, 2014 Planning Commission public hearing.

AYES: Messrs: Wallin, Patton, Brown, Gulley and Waller.

- **CONSENT ITEMS - REZONING AND CONDITIONAL USE PLANNED DEVELOPMENT.**

- B. **14SN0544\***: (AMENDED) In Midlothian Magisterial District, **Midlothian Development Partners, LLC** requests amendment of conditional use planned development (Case 07SN0206) relative to development plan, density, timbering, cash proffers and access and amendment of zoning district map in a Residential (R-15) District on 39.2 acres fronting 300 feet on the west line of Old Hundred Road, 465 feet south of Beedon Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential I use (maximum of 2.0 dwellings per acre). Tax ID 714-698-3178.

Mr. Casey Sowers, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

Mr. Waller advised there was good discussion during the work session regarding the impacts to Watkins Elementary. The applicants and the adjoining property owner have worked with staff to resolve issues.

On motion of Mr. Waller, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 14SN0544 subject to the six (6) proffered conditions:

### PROFFERED CONDITIONS

The Applicant hereby deletes Proffered Condition 1 of Case 07SN0206 and amends Proffered Conditions 2, 3, 5 and 6 as stated below. All other conditions of Case 07SN0206 shall remain in force and effect.

The Applicant hereby amends Proffered Condition 2 of Case 07SN0206 to read as follows:

1. Density. The density of this development shall not exceed thirty-nine (39) lots. (P)

The Applicant hereby amends Proffered Condition 3 of Case 07SN0206 to read as follows:

2. Timbering. Timber management, for the purpose of enhancing the health and viability of the forest, under the supervision of a qualified forester, will only be allowed upon the submission and approval of the appropriate forest management plan to include, but not limited to, erosion control, Chesapeake Bay Act/Wetland Restrictions and the issuance of a land disturbance permit by the Environmental Engineering Department. Any other timbering shall be incorporated into the site development erosion and sediment control plan/narrative as the initial phase of infrastructure construction and will not commence until the issuance of the actual site development land disturbance permit. (EE)

The Applicant hereby amends Proffered Condition 5 of Case 07SN0206 to read as follows:

3. Cash Proffer.
  - a. For each dwelling unit, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a certificate of occupancy for infrastructure improvements within the service district for the property; provided however that for the period through June 30, 2017, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, immediately after completion of the final inspection:
    - i. \$18,966.00 per dwelling unit, if paid prior to July 1, 2017; or if paid after June 30, 2017, and before July 1, 2018, \$18,966.00 per dwelling unit, adjusted for the four year cumulative change in the



Marshall and Swift Building Cost Index between July 1 of the fiscal year in which the case was approved and July 1 four years later. Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.

- ii. In the event the cash payment is not used for which proffered within 15 years of receipt the cash shall be returned in full to the payer.
  - iii. Should any impact fees be imposed by Chesterfield County at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward but not to be in addition to any impact fees in a manner determined by the County.
- b. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)

The Applicant hereby amends Proffered Condition 6 of Case 07SN0206 as follows:

4. Access. Except for one private driveway, there shall be no direct vehicular access from the property to Old Hundred Road. Access to adjacent properties shall be as generally shown on the attached Access Plan. The exact location of these accesses shall be approved by the Transportation Department. (T)

The Applicant offers the following additional proffered conditions which shall apply to all new dwellings on the request property:

5. House Size. The minimum gross floor area for each dwelling unit shall be 3,200 square feet. (P)

6. Architectural/Design Elements.

A. Front walks/Driveways

- 1. Driveways: All portions of driveways and parking areas shall be hardscaped.
- 2. Front Walks: A minimum of a four (4) foot wide hardscaped front walk shall be provided to each dwelling unit.

B. Landscaping and Yards

- 1. Street Trees: Except as outlined below, street trees shall be planted or retained along both sides of all streets that provide general circulation in accordance with the Zoning Ordinance. Such trees shall be deciduous shade trees planted at the rate of at least one tree per lot, for lots up to forty (40) feet wide, and every fifty (50) feet along streets with wider lots. Variations in

spacing to accommodate other required improvements shall be permitted provided that no two trees are spaced more than fifty (50) feet apart. At the time of planting, trees shall have a minimum caliper of 2" inches measured at breast height (4' 10" above ground).

2. Supplemental Trees: Prior to the issuance of a Certificate of Occupancy for each dwelling unit, a minimum of one (1) flowering tree shall be planted in each front yard. At the time of planting, these supplemental trees shall have a minimum caliper of 2" measured at breast height (4' 10" above ground).
3. Front Yards: Except for the foundation planting bed, all front yards shall be sodded.
4. Front Foundation Planting Beds: Foundation planting is required along the entire front facade of all units, and shall extend along all sides facing a street. Foundation Planting Beds shall be a minimum of 4' wide from the unit foundation. Planting beds shall be defined with a trenched edge or suitable landscape edging material. Planting beds shall include medium shrubs and may also include spreading groundcovers.

C. Architecture and Materials

1. Repetition: Dwellings with the same elevations may not be located adjacent to, directly across from, or diagonally across from each other on the same street. This requirement does not apply to units on different streets backing up to each other.
2. Foundations: The exposed portion of any foundation shall be brick or stone. Synthetic or natural stucco foundations may be permitted for facades constructed entirely of stucco. Rear walkout basement walls shall be permitted to be sided or cast concrete painted to match house.
3. Exterior Facades: Acceptable siding materials include brick, stone, masonry, stucco, synthetic stucco (E.I.F.S), and horizontal lap siding. Horizontal lap siding may be permitted to be manufactured from natural wood or cement fiber board or may be premium quality vinyl siding. Plywood and metal siding are not permitted. Additional siding requirements:
  - a. Where a dwelling borders more than one street, all street facing facades shall be finished in the same materials.
  - b. Cementitious and vinyl siding is permitted in traditional wide beaded styles only, unless otherwise approved by the Architectural Board for special design conditions. Premium

quality vinyl is defined as vinyl siding with a minimum wall thickness of .044”.

- c. Synthetic Stucco (E.I.F.S.) siding shall be finished in smooth, sand or level texture. Rough textures are not permitted.

D. Roof Material: Roofing material shall be dimensional architectural shingles or better with a minimum 30 year warranty.

E. Porches, Stoops and Decks

1. Front Porches: All front entry stoops and front porches shall be constructed with continuous masonry foundation wall or on 12"x12" masonry piers. Extended front porches shall be a minimum of five (5)' deep. Space between piers under porches shall be enclosed with framed lattice panels. Handrails and railings shall be finished painted wood or metal railing with vertical pickets or swan balusters. Pickets shall be supported on top and bottom rails that span between columns.
2. Front Porch Flooring: Porch flooring shall be permitted to be concrete, exposed aggregate concrete or a finished paving material such as stone, tile or brick, finished (stained dark) wood, or properly trimmed composite decking boards. Unfinished treated wood decking is not permitted. All front steps shall be masonry to match the foundation.

F. Front Loaded Garages: Front loaded garages shall be located no closer to the street than the front facade of the dwelling unit. (P)

AYES: Messrs: Wallin, Patton, Brown, Gulley and Waller.

- D. **14SN0560\***: In Dale Magisterial District, **Chesterfield Land & Timber, Corp.** requests rezoning from Agricultural (A) to Residential (R-88) plus conditional use planned development to permit exceptions to setback requirements and amendment of zoning district map on 17.6 acres fronting 610 feet on the north line of Nash Road, 1550 feet northeast of Eastfair Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential Agricultural use (maximum of 0.5 dwellings per acre). Tax IDs 763-655-5414 and 7635.

Ms. Kristen Keatley, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Brown, seconded by Mr. Patton, the Commission resolved to recommend approval of Case 14SN0560 subject to the five (5) proffered conditions:

## PROFFERED CONDITIONS

The Applicant in this case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property known as Chesterfield County Tax Identification Number 763-655-5414 and 7635 ("the Property") under consideration will be developed according to the following proffers if, and only if, the request submitted herewith is granted with only those conditions agreed to by the Applicant. In the event this request is denied or approved with conditions not agreed to by the owner and Applicant, the proffer shall immediately be null and void and of no further force or effect.

1. Density. The maximum number of dwelling units shall be three (3). (P)
2. Public Water. The public water system shall be used. (U)
3. Cash Proffers. For each dwelling unit, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit for infrastructure improvements within the service district for the property; provided, however, that for the period through June 30, 2017, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, immediately after completion of the final inspection:
  - a. \$18,966.00 per dwelling unit, if paid prior to July 1, 2017; or
  - b. If paid after June 30, 2017, and before July 1, 2018, \$18,966.00 per dwelling unit, adjusted for the four year cumulative change in the Marshall and Swift Building Cost Index between July 1 of the fiscal year in which the case was approved and July 1 four years later. Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.
  - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
  - d. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County. If Chesterfield should adopt a "workforce" or "affordable" housing program which eliminates or permits a reduced cash proffer, the cash proffer for any dwelling unit on the Property that is designated as "workforce" or "affordable" housing, that meets all the requirements of the adopted "workforce" or "affordable" housing program, and for which a cash proffer has not yet been paid shall be adjusted to be consistent with the approved "workforce" or "affordable" housing program. (B & M)
4. Transportation.

- A. Dedication. In conjunction with recordation of the initial subdivision plat or within sixty (60) days upon request by Chesterfield County, whichever occurs first, forty-five (45) feet of right-of-way, on the west side of Nash Road, measured from the centerline of existing Nash Road immediately adjacent to the Property shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
- B. Access. Direct vehicular access from the Property to Nash Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department. (T)
- C. Road Improvements. In conjunction with development of the initial subdivision section, the applicant shall provide the following:
  - i. Construction of additional pavement along Nash Road at the approved access to provide left and right turn lanes.
  - ii. Dedication to Chesterfield County, free and unrestricted, of any additional right of way (or easements) required for the road improvements described above. In the event the Developer is unable to acquire any “off-site” right-of-way that is necessary for this improvement, the Developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the “off-site” right-of-way, the Developer shall be relieved of the obligation to acquire the “off-site” right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)
- 5. Timber Management. Timber management, for the purpose of enhancing the health and viability of the forest, shall occur under the supervision of a qualified forester, and will only be allowed upon the submission and approval of the appropriate forest management plan to include, but not limited to, erosion control, Chesapeake Bay Act/wetland restrictions, and the issuance of a land disturbance permit by the Environmental Engineering Department. Any other timbering shall be incorporated into the site development erosion and sediment control plan/narrative as the initial phase of infrastructure construction and will not commence until the issuance of the actual site development land disturbance permit. (EE)

AYES: Messrs: Wallin, Patton, Brown, Gulley and Waller.

- E. **14SN0556:** In Matoaca Magisterial District, **Glenn White** requests amendment of conditional use (Case 13SN0124) to permit the sale of additional landscaping materials in conjunction with a mulch sales business and amendment of zoning district map in an Agricultural (A) District on 1.3 acres located in the northwest quadrant of Hull Street and Cosby Roads. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Business use. Tax ID 716-671-Part of 6919.

Mr. Glenn White, the applicant, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Wallin, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 14SN0556 subject to the following conditions:

CONDITIONS

1. With the approval of this request, Condition 2 of Case 13SN0124 shall be amended to read as stated below:

The sale of topsoil, compost, driveway gravel, decorative stone, straw and sand would be permitted incidental to the sale of mulch.

(All other conditions of Case 13SN0124 shall remain in force and effect.) (P)

2. Within sixty (60) days of the Board of Supervisor's approval of this case, a site plan shall be submitted to the County for review and approval. In addition to addressing those items required by the Zoning Ordinance, this plan shall address state and local stormwater management regulations and the storage and/or containment of all products to be sold. Any stormwater BMPs called for in the approved plan shall be implemented within ninety (90) days of site plan approval. (EE)

AYES: Messrs: Wallin, Patton, Brown, Gulley and Waller.

- F. **14SN0561:** In Midlothian Magisterial District, **BH&B, LLC** requests amendment of conditional use planned development (Case 07SN0356) relative to sidewalks, fences, accesses and uses and amendment of zoning district map in a Community Business (C-3) District on 2.7 acres known as 13217 Midlothian Turnpike. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Village Shopping District use. Tax ID 731-707-2423.

Mr. Waller declared a conflict of interest as he represents the real estate consultant for the property owner to the south and left at 6:30 p.m.

Mr. William Shewmake the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

Mr. Peppy Jones voiced his support of the case.

There being no one else to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Gulley, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 14SN0561 acknowledging the withdrawal of request VI, relative to the deletion of

a required sidewalk to the south, subject to the three (3) proffered conditions in the staff report and the one (1) proffered condition in the addendum:

### PROFFERED CONDITIONS

1. Sidewalk. In conjunction with the initial development of the Property, the developer shall construct a sidewalk to VDOT standards along Midlothian Turnpike (Route 60) for the entire property frontage, and dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for this improvement. The exact design and location of this improvement shall be approved by the Transportation Department. (T)

(Note: This condition supersedes Proffered Condition 4.a. of Case 07SN0356.)

2. Access. Direct vehicular access from the Property to Midlothian Turnpike (Route 60) shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. Prior to any site plan approval, an access easement, acceptable to the Transportation Department, shall be recorded across the Property to provide shared use of this access with adjacent property to the east and west. (T)

(Note: This condition supersedes Proffered Condition 5 of Case 07SN0356.)

3. Uses.

Uses shall be limited to those uses permitted by right or with restrictions in the Neighborhood Business (C-2) District plus the following uses:

- i. cocktail lounges provided that they are accessory to a restaurant;
- ii. liquor stores;
- iii. restaurants, to include carry out and fast food;
- iv. electrical, plumbing HVAC sales and display rooms;
- v. microbreweries provided that the manufacturing of alcoholic beverages shall be for the sole purpose of on-site consumption and such on-site consumption shall only occur if accessory to a restaurant use; and
- vi. veterinary hospitals with no outdoor runs. (P)

(Note: This condition supersedes Proffered Condition 10.b. of Case 07SN0356.)

4. Phasing of Sidewalk Connection to Tax ID 731-706-3947. The installation of the sidewalk identified in Proffered Condition 4.b. of Case 07SN0356 shall be phased such that the first section of sidewalk is installed in conjunction with the initial development of the parcel. This section shall extend from Midlothian Turnpike to the southern limits of project construction. Completion of the sidewalk to the southern limits of the subject Property shall occur in conjunction with the subsequent phase(s) of development. (P)

(Note: With approval of this request Proffered Condition 3 is deleted. Except as noted above and in the "Request Analysis," all other conditions of approval for Case 07SN0356 remain in effect with approval of this case.)

AYES: Messrs: Wallin, Patton, Brown, and Gulley.  
ABSENT: Mr. Waller.

Mr. Waller returned to the meeting at 6:44 p.m.

- H. **14SN0564\*\*\***: In Clover Hill Magisterial District, **Senior Living Choices, Inc.** requests amendment of zoning (Case 74S021) to permit exceptions to length of buildings, setbacks and distance between buildings and amendment of zoning district map in a Residential (R-7) District on 28 acres located in the southwest quadrant of Old Hundred Road and Brandermill Parkway. The Comprehensive Plan suggests the property is appropriate for Suburban Residential I use (maximum of 2.0 dwellings per acre). Tax ID 724-692-2211.

Mr. Ivan Wu, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

In response to a question from Mr. Gulley relative to increased density, Mr. Wu responded they were not increasing density. The original zoning case from 1974 was a parcel size of twenty-eight (28) acres and allowed three hundred fifty (350) units. Currently the site has one hundred ninety seven (197) units and they are proposing to add seventy nine (79) additional units for a total of two hundred seventy six (276) units, seventy four (74) units below the cap.

Ms. Darla Orr advised the Commission that the design plan has changed so that some of the cottage type buildings will be a multi-family type and it does not increase the density.

On motion of Mr. Gulley, seconded by Mr. Patton, the Commission resolved to recommend approval of Case 14SN0564, subject to the two (2) proffered conditions in the staff report:

#### PROFFERED CONDITIONS

1. With this request, the Applicant is amending Case 74S021, Exhibit B, Section 1 (R-7 Districts), Subsection 9 (e) for the request property only as outlined in the Textual Statement dated March 24, 2014. All other conditions of Case 74SN0021 shall remain in force and effect. (P)
2. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, all dwelling units shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein. All site plans shall note this restriction. (P)

AYES: Messrs: Wallin, Patton, Brown, Gulley and Waller.



- **CONDITIONAL USE - OTHER.**

- G. **14SN0562:** In Matoaca Magisterial District, **New Cingular Wireless PCS, LLC** requests conditional use to permit a communications tower and amendment of zoning district map in an Agricultural (A) District on 1.3 acres fronting the west line of Piedmont Avenue, 1020 feet west of Potts Street. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 797-617-Part of 2452.

Mr. Robert Clay presented an overview of the case and staff's recommendation for denial. While the case conforms to the Telecommunications Tower Siting Policy it does not comply with the Public Facilities Plan.

Mr. Ken Shevlin, the applicant's representative, does not accept staff's recommendation. Mr. Shevlin showed a map indicating where there is inconsistent cellular service. Adding this new cellular tower will extend cellular coverage to ensure more consistent cellular coverage and will facilitate calls to emergency communications in times of crisis. The design is compliant using a monopole with flush mount antenna, all setbacks follow the Tower Siting Policy and the applicant will provide tree plantings and preserve wetlands.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

Mr. Price, the property owner and developer, indicated this piece of property is at a low elevation and would be difficult to sewer. The homes are priced as starters which would not support cash proffers and there are no concerns from the current homeowners about the location of this cell tower.

In response to a question from Mr. Patton relative to co-location of cell towers, Mr. Clay replied that co-location is the first thing he suggests to an applicant. The applicant did explore other cell tower sites at VSU and at Ettrick Park but these sites did not provide the coverage needed.

On motion of Dr. Wallin, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 14SN0562 subject to the proffered conditions in the staff report:

**PROFFERED CONDITIONS**

1. There shall be no signs permitted to identify this use. (P)
2. The base of the tower shall be enclosed by a minimum six (6) foot high fence, designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and accessory ground-mounted equipment or structures from adjacent properties. An area west of the tower site shall be identified as a "Vegetation Retention Area." A detailed plan depicting these requirements shall be submitted to the Planning Department for approval in conjunction with final site

plan review. No trees within the "Vegetation Retention Area" may be removed unless such trees are dead, diseased or dying. (P)

3. The color, design and lighting system for the tower shall be as follows:
  - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
  - b. The tower shall not be lighted.
  - c. The tower shall be a monopole structure with flush mounted antennas.
  - d. Any satellite dish and microwave dish antennas attached to the telecommunications tower shall not exceed six (6) feet in diameter and shall be of a neutral color with no logos. (P)
4. Any building or mechanical equipment shall comply with the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment in O, C and I Districts. (P)  
  
(NOTE: The Zoning Ordinance requires the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment.)
5. Prior to use of this telecommunications tower, the owner of the tower shall obtain approval of the structural integrity by a registered professional engineer licensed in Virginia and a copy of the report filed with the Planning Department. (P)
6. The tower shall not exceed a height of 197 feet. (P)
7. At such time that the telecommunications tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the property owner(s) and/or cell tower owner(s) and/or lessee(s) shall dismantle and remove the tower and all associated equipment from the property. (P)
8. Prior to final site plan approval, the Developer shall install evergreen plantings along the southern boundary line of Tax I.D. 797617245200000, which landscaping shall have an initial height and spacing reasonably designed to mitigate the visual impacts of the tower for properties located on Winnie Drive. The design and type of vegetative materials to be employed shall be acceptable to the Planning Department. (P)

AYES: Messrs: Wallin, Patton, Brown, Gulley and Waller.

**IX. PUBLIC HEARING: CODE AMENDMENT RELATIVE TO NATURAL RESOURCE INVENTORY SUBMITTAL (14PJ0146).**

An ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and reenacting Section 19-238 of the Zoning Ordinance relating to Natural Resource Inventory (NRI) in the Upper Swift Creek Watershed. Among other things, this amendment would provide for additional applications to be exempt from the requirement to submit a NRI: (1) an application for a proposed development site that has existing development such that an NRI is unnecessary; (2) an application to amend conditions of zoning where the environmental engineering director determines that: (i) the amendment does not substantially alter the NRI of the original zoning approval; or (ii) components of the NRI have been substantially addressed through previous approvals.

Mr. Ray Cash presented an overview to the Commission of the proposed code amendment changes. The changes to the proposed Ordinance provide for application exemptions when the Environmental Engineering Director finds: 1) the development site has existing development such that the NRI is unnecessary to evaluate application; 2) the request is to amend condition of prior zoning approval and the proposal does not affect the original NRI; or 3) the request is to amend a condition of prior zoning approval and the NRI components have been substantially addressed through previous development or zoning approval.

Dr. Wallin opened the floor for public comments.

Ms. Diana Parker voiced her lack of support because she feels the natural resources need to be inventoried and the five hundred (500) foot rule is not being followed.

Dr. Wallin closed the public hearing.

Mr. Patton expressed appreciation to Ms. Parker for her comments but he defers to Mr. Smedley and his staff when it concerns wetlands.

Mr. Gulley stated there is a movement as part of the implementation of the Comprehensive Plan; to move the protections we have in the Upper Swift Creek Watershed to become county wide. While this is in the pipeline, the federal government and other state agencies are still dictating what we can and cannot do.

On motion of Dr. Brown seconded by Mr. Patton, the Commission resolved to recommend approval of an Ordinance to Amend the Code of the County of Chesterfield, 1997 as amended by amending and reenacting Section 19-238 relating to Natural Resource Inventory in the Upper Swift Creek Watershed.

AYES: Messrs: Wallin, Patton, Brown, Gulley and Waller.

**X. PUBLIC HEARING: CODE AMENDMENT RELATIVE TO WIND ENERGY SYSTEMS (14PJ0120).**

An ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and reenacting Sections 19-65 and 19-131 of the Zoning Ordinance relating to Wind Energy Systems. Among other things, this amendment would require that a freestanding wind energy

system located on property owned or maintained by Chesterfield County be setback a minimum of 1.1 times its height from any of the following on the property: building open to the general public, parking lot, playground, recreational field or similar area designed to facilitate the gathering of people.

Mr. Ray Cash presented an overview to the Commission regarding Wind Energy Systems (WES) and the current proposed ordinance changes. The amendment would provide that the WES, if located on property owned or maintained by Chesterfield County, be setback a minimum of 1.1 times the WES height from any of the following located on the property: building open to the general public, parking lot, playground, recreational field or similar area designated to facilitate the gathering of people. In addition the amendment would clarify that height is measured from the highest point of blade sweep to the ground and change the rating capacity of a WES from Kilowatt hours (kWh) to Kilowatt (kW).

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of or in opposition to the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Gulley, seconded by Dr. Brown, the Commission resolved to recommend approval of the changes to Sections 19-65, 19-131 of the Code of the County of Chesterfield, 1997, as outlined in the staff report.

AYES: Messrs: Wallin, Patton, Brown, Gulley and Waller.

**XI. CITIZEN COMMENT ON UNSCHEDULED MATTERS.**

There were no citizen comments on unscheduled matters.

**XII. ADJOURNMENT.**

There being no further business to come before the Commission, it was on motion of Mr. Patton, seconded by Dr. Brown that the meeting adjourned at 7:25 p.m. to Thursday, May 22, 2014 at 3:00 p.m., in the Public Meeting Room, 10001 Iron Bridge Road, Chesterfield, Virginia.

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Chairman/Date

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Secretary/Date